APPENDIX

Probation Case No. _____

AT A TERM OF THE DISTRICT COURT

Held in and for Suffolk County, at the Court House, in Hauppauge, Suffolk County, New York, Present, Hon LAWRENCE NEWMARK, District Court Judge

Docket No. 2385/69 Charge 235.05(1)

THE PEOPLE OF THE STATE OF NEW YORK

—Against—

ROBERT BROWN,

Defendant

I hereby acknowledge receipt of my terms of probation

ROBERT BROWN

Defendant

Date: 3/8/74

CONDITIONS OF PROBATION

While on Probation for a period of three years you will observe the following conditions of Probation and any others which, the Court may impose at a later date and you will also follow the instructions of the Probation Officer as to the way in which these conditions are to be carried out:

MANDATED CONDITIONS:

(a) Report to a Probation Officer as directed by the Court or the Probation Officer and permit the Probation Officer to visit you at your place of abode or elsewhere.

(b) Remain within the jurisdiction of the Court unless granted permission to leave by the Court or Probation Officer.

(c) Answer all reasonable inquiries by the Probation Officer and promptly notify the Probation Officer of any change in address or employment.

OTHER CONDITIONS:

(a) Avoid injurious or vicious habits.

(b) Refrain from frequenting unlawful or disreputable places or consorting with disreputable persons.

(c) Work faithfully at a suitable employment or faithfully pursue a course of study or of vocational training that will equip you for suitable employment.

(d) Undergo available medical or psychiatric diagnosis and treatment and remain in a specified institution when required for that purpose.

(e) Support your dependents and meet other family responsibilities.

(g) If a minor, (I) reside with your parents or in a suitable foster home or hostel as referred to in Section 6-f of the Correction Law, (II) attend school, (III) spend such part of the period of the sentence as the Court may direct,

but not exceeding two years, in the facility made available by the Division for Youth pursuant to subdivision two of section five hundred two of the Executive Law, provided that admission to such facility may be made only with the prior consent of the Division for Youth, (IV) attend a non-residential program for such hours and pursuant to a schedule prescribed by the Court as suitable for a program of rehabilitation of youth, (V) and contribute to your own support in any home foster home or hostel.

(h) Post a bond or other security for the performance of any or all conditions imposed.

(i) Satisfy any other conditions reasonably related to your rehabilitation.

The following special conditions to the sentence of Probation are imposed:

that you avoid and refrain from production, presentation, promotion, sale or any other involvement with sexually explicit materials whether directly or indirectly.

ADDITIONAL CONDITIONS OF PROBATION:

Failure to comply completely with these conditions is to be deemed a violation of this probation.

Dated this 8th day of March, 1974.

A copy of the above conditions was handed to the defendant by the Court.

Signature illegible

District Court Judge

80-1975
February Term 1975

At a term of the Appellate Term of the Supreme Court of the State of New York for the 9th and 10th Judicial Districts, held in Nassau County, on the 25th day of April, 1975.

Present—Hon. Howard T. Hogan, Presiding Justice
" " David L. Glickman
" " Joseph F. Gagliardi, Justices

The People of the State of New York,
Respondent,

vs.

Robert Brown
Appellant

The above named Robert Brown, the defendant herein, appealed to this Court from a judgment of the District Court of the County of Suffolk, First District, Hauppauge rendered on the 8th day of March, 1974, after a trial convicting him of a violation of Section 235.05(1) Penal Law and imposing sentence as follows:

Fine $1000.00 and probation, three years. Special Conditions.

and said appeal having been argued by Joel Hirschhorn, Esq., of counsel for the appellant, and argued by Ronald E. Lipetz, Esq., of counsel for the respondent, and due deliberation having been had thereon;

It is hereby ordered and adjudged that the judgment of conviction so appealed from be, and the same is hereby, affirmed.

Cal. No. 80 — Judgment of Conviction affirmed.
No opinion. All concur.

APPELLATE TERM SUPREME COURT
NINTH and TENTH JUDICIAL DISTRICTS
STATE OF NEW YORK

I, CHARLES J. HEANEY, Clerk of the Appellate Term of the Supreme Court, Ninth and Tenth Judicial Districts, do hereby certify that I have compared this copy with the original filed in my office on APR 25 1975 and that this copy is a correct transcript of said original.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of this Court on APR 25 1975.

Charles J. Heaney
Clerk

Joseph F. Gagliardi
Justice, Appellate Term

STATE OF NEW YORK
COURT OF APPEALS

BEFORE: HON. LAWRENCE H. COOKE,
Associate Judge

THE PEOPLE OF THE STATE OF NEW YORK,
Respondent,

against

Robert Brown,
Appellant.

CERTIFICATE OF DENYING LEAVE

I, LAWRENCE H. COOKE, Associate Judge of the Court of Appeals of the State of New York, do hereby certify that, upon application timely made by the above-named appellant for a certificate pursuant to CPL 460.20 and upon the record and proceedings herein,* there is no question of law presented which ought to be reviewed by the Court of Appeals and permission to appeal is hereby denied.

Dated at Monticello, New York
July 7, 1975

/s/ Lawrence H. Cooke
Associate Judge

*Description of Order: Order of the Appellate Term of the Supreme Court of the State of New York for the 9th and 10th Judicial Districts, entered April 25, 1975, affirming a judgment of the District Court of the County of Suffolk, First District, Hauppauge, rendered March 8, 1974, convicting defendant of a violation of Section 235.05(1) of the Penal Law.

AMENDMENT I
CONSTITUTION OF THE UNITED STATES

FREEDOM OF RELIGION, SPEECH AND PRESS: PEACEFUL ASSEMBLAGE: PETITION OF GRIEVANCES

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT XIV
CONSTITUTION OF THE UNITED STATES

CITIZENSHIP; PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION; APPORTIONMENT OF REPRESENTATION; DISQUALIFICATION OF OFFICERS; PUBLIC DEBT; ENFORCEMENT

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.